IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE N.V. RAMANA

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WRIT PETITION NO : 12224 of 2004

Between:

Central Warehousing Corporation, (A Government of India Undertaking),
New Delhi, represented by its Regional Manager, Regional Office, Nampally,
Hyderabad - 500 001.

..... PETITIONER

AND

Assistant Provident Fund Commissioner, Employees Provident Fund
Organisation, Sub-Regional Office, Nyalkal Road, Nizamabad - 503 301.

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Certiorari or any other appropriation Writ, Order or Directions calling for the records relating to the Order No. AP/SRO/NZB/Enf/7A/28271/2004/308, dated 25-06-2004 on the file of respondent herein and quash the same.

For the Petitioner: MR.G.RAMACHANDRA RAO, Advocate

For the Respondent: Mr.R.N.REDDY (SC FOR EMPLOYEES PF ORG.)

The Court at the admission stage made the following :

ORDER:

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondent and at their request, the writ petition itself is taken up for final disposal at the admission stage.

The petitioner seeks to challenge the order dated 25-6-2004 passed by the respondent covering the petitioner-Corporation in respect of the workers engaged by it through Central Warehousing Corporation Hamals Contract Co-operative Society Limited, under the Employees Provident Funds and Miscellaneous Provisions Act, 1952 (for short "the Act").

The learned Standing Counsel for the respondent submits that there is alternative remedy of appeal available to the petitioner under Section 7-I of the Act before the tribunal constituted for the purpose and the petitioner without exhausting the appeal remedy before the tribunal approached this Court invoking the jurisdiction under Article 226 of the Constitution of India.

Having regard to the fact that the petitioner has the alternative remedy by way of appeal before the tribunal, it is open to the petitioner to avail the remedy of appeal before the tribunal within six weeks from today. However, the respondent shall not take any coercive steps against the petitioner till such time.

The writ petition is disposed of accordingly. No costs.

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N.V. RAMANA, J

Date: 16-07-2004

Svv

To

1. The Assistant Provident Fund Commissioner, Employees
Provident Fund Organisation, Sub-Regional Office,
Nyalkal Road, Nizamabad - 503 301.

2. Two CD copies.